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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.   |
|--|-------------|----------------------|---------------------|--------------------|
| 10/629,782   | 07/30/2003  | Yan-Ming Huang       | 2450-0527P          | 7923               |
| 2292   | 7590        | 06/27/2005           | EXAMINER            |                    |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      |                     | WILLIAMS, JOSEPH L |
| ART UNIT   |             | PAPER NUMBER         |                     |                    |
|  |             | 2879                 |                     |                    |

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 10/629,782      | HUANG ET AL. |
| Examiner                     | Art Unit        |              |
| Joseph L. Williams           | 2879            |              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 July 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-10 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date . . .  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobrowolski et al. (US 5,049,780) in view of Duggal et al. (US 6,294,800).

Regarding claim 1, Dobrowolski ('780) teaches in figures 1 and 6, a light emitting unit for displaying different colors of light from two sides, comprising: a light emitting element (10) a transparent substrate (28) located on a display side of the light emitting element; a first inorganic optical film (20) located on the transparent substrate; and a second inorganic film (24) located at the top of the display.

Dobrowolski ('780) does not teach a transparent package cap for packaging the light emitting element.

Further regarding claim 1, Duggal ('800) teaches in figure 6 a light emitting display comprised of, in part, a transparent package cap for packaging the light emitting element for the purpose of protecting the element from moisture and thus increase its lifetime.

Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the packaging cap of Duggal on the display of Dobrowolski for the purpose of protecting the element from moisture and thus increase its lifetime.

Regarding claim 2, Dobrowolski ('780) teaches the inorganic optical films are made from combination of materials selected from Si, CdS, TiO<sub>2</sub>, Ta<sub>2</sub>O<sub>3</sub>, Indium Tin Oxide, SiO<sub>2</sub>, ZnO, ZnO<sub>2</sub>, Al<sub>2</sub>O<sub>3</sub>, BaF<sub>2</sub>, SnO<sub>2</sub>, ZrO<sub>2</sub>, CeO<sub>2</sub>, and MgF<sub>2</sub>.

Regarding claims 3 and 4, the limitations cited are product-by-process limitations and thus are not afforded patentable weight.

Regarding claim 5, Duggal ('800) teaches that the film can be on the outside of the cap and thus on the outer side of the substrate.

The reason for combining is the same as claim 1 above.

Regarding claim 6, Dobrowolski ('780) teaches the first inorganic optical film is located on an inner side of the transparent substrate.

Regarding claim 7, Duggal ('800) teaches that the film can be on the outside of the cap and thus on the outer side of the substrate.

The reason for combining is the same as claim 1 above.

Regarding claim 8, Dobrowolski ('780) teaches the first inorganic optical film is located on an inner side of the transparent substrate.

Regarding claim 9, Dobrowolski ('780) teaches the thickness of the inorganic optical film are alterable according the colored light to be passed through.

Regarding claim 10, Dobrowolski ('780) teaches the layer number of the inorganic optical films are alterable according the colored light to be passed through.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph L. Williams  
Primary Examiner  
Art Unit 2879